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Measures to eliminate international terrorism

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Report of the Secretary-General

Addendum*

Summary

The present report has been prepared pursuant to General Assembly resolution 50/53, entitled "Measures to eliminate international terrorism". The information contained herein has been submitted by States and international organizations.

* The present addendum contains information received after 31 May 2003, the date, as indicated in the letter from the Secretary-General of 19 February 2003, by which the submission of information was requested for inclusion in the report.

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II. Measures taken at the national and international levels regarding the prevention and suppression of international terrorism and information on incidents caused by international terrorism

1. The texts in this section describing measures taken by Member States and international organizations have been taken directly from the replies received from the respective Member States and international organizations.

A. Information received from Member States[1]

2. **Belarus** indicated that it was in the process of ratifying the International Convention for the Suppression of the Financing of Terrorism. It also noted that its Criminal Code contained a number of legal provisions to prevent and suppress international criminal acts and to establish accountability for crimes against the peace and security of mankind. Furthermore, its national legislation includes provisions of the international counter-terrorism conventions. This is a reflection of the constitutional provisions under which Belarus recognizes the primacy of universally accepted principles of international law and brings those principles and national legislation into alignment with them.

3. The Criminal Code of Belarus establishes criminal accountability for individuals committing terrorist acts against a representative of a foreign State (article 124), committing attacks on institutions enjoying international protection (article 125) and organizing the execution in the territory of a foreign State of explosions, arson or other acts with a view to causing loss of human life or physical injury; destroying or damaging buildings, installations, means of transport, means of communication or other property for the purpose of provoking international tension or hostilities or destabilizing the internal situation in a foreign State; or assassinating or causing physical injury to political or public figures of a foreign State, or damaging their property for the same purpose (international terrorism) (article 126).

4. In addition, Belarus has established criminal accountability for the recruitment, training, financing and use of mercenaries (article 132 of the Criminal Code), mercenary activity (article 133), hostage-taking (article 291), terrorist acts (article 359) and sabotage (article 360).

5. Article 16 of the Criminal Code establishes criminal accountability not just for the direct perpetrators of the crimes listed, but also for organizers or inciters encouraging others to commit such crimes, or individuals acting as accomplices. Individuals who finance terrorist activity may also be held criminally accountable as accomplices.

6. Belarus also indicated that a State Security Committee Anti-Terrorist Centre had been established and that provision had been made for close cooperation between that counter-terrorism centre and the Anti-Terrorist Centre of the States members of the Commonwealth of Independent States.

7. Overall, the measures taken at the national level to prevent and eliminate all forms of international terrorism had allowed the phenomenon to be tackled effectively.

8. The country's law enforcement agencies had not detected any incidents caused by international terrorism in Belarus. As a result, no criminal trials for such acts had taken place, and there had been no criminal investigations of individuals suspected of such crimes.

9. A list and the texts of the main legislative acts in the field of counter-terrorism was also provided.

10. **Malaysia** indicated that it was in the process of acceding to the United Nations anti-terrorism conventions and protocols to which it was not yet a party and that legislative amendments for the effective and efficient implementation of such instruments had been undertaken.

11. Furthermore, Malaysia stated that there had been no incident caused by international terrorism in its territory since its prior submission, on 7 June 2002. Following a thorough investigation, the Government was satisfied that Kumpulan Militan Malaysia had no structural linkage with Al-Qa`idah and Jemaah Islamiah. The Government of Malaysia reiterated its commitment to firm and decisive preventive action against groups and individuals in the country found to have links with terrorist groups. In this regard, the relevant authorities continuously monitor the activities of suspected groups and individuals with extremist tendencies.

12. The **Netherlands** stated that its legislation equips law enforcement and prosecution services with adequate tools to prevent and combat terrorism. Criminal law meets the requirements set out in the various anti-terrorism conventions. The Netherlands also has regulations that permit the prompt freezing of assets belonging to persons or organizations linked to terrorism. Providing direct or indirect financial or economic support to such persons and organizations is an offence, and can lead to a prison sentence. In addition, a bill on terrorist crimes is expected to be enacted in 2003. This act will implement the European framework decision on combating terrorism; it provides for heavier sentencing for crimes committed with terrorist motives and also makes a number of improvements to criminal law to halt terrorist recruitment activities. The fight against terrorism includes evaluating and, if necessary, amending legislation to take account of the changing face of terrorism.

13. The Netherlands attaches great importance to the fight against the financing of terrorism. In addition to the above-mentioned regulations that permit the freezing of assets belonging to persons or organizations linked to terrorism there is, inter alia, legislation regarding suspicious transactions and identification of clients. The regulations established under the Disclosure of Unusual Transactions (Financial Services) Act play an important part in controlling flows of funds. The obligation to report suspicious transactions applies to the following: banks, insurance companies, De Nederlandsche Bank NV (the central bank of the country), credit card companies, securities institutions, currency exchange organizations, money transfer institutions, casinos, so-called gatekeepers, such as dealers in expensive goods, and persons practising liberal professions, such as lawyers, notaries, estate agents, tax consultants, chartered accountants and company managers. The system covering unusual transactions is so wide-ranging that it not only includes money-laundering, but also the financing of terrorism. This detailed system goes beyond the automatic reporting of any transaction above a certain amount and includes the obligation to report on the client's behaviour, demeanour, attitude and stated wishes. Financial and other institutions that are required to report unusual transactions are also obliged, under the Identification (Financial Services) Act, to identify their clients

before providing a service. This obligation applies to both one-off transactions and dealings with long-standing customers. Customers have to identify themselves using reliable identification documents; if customers arrange for a third party to represent them, both the latter and the customer must be identified. If there is any doubt about the identity of a customer, the institution concerned must withhold its services. Failure to comply with the statutory rules is a criminal offence under the Economic Offences Act and carries a maximum prison sentence of four years.[2]

14. **Qatar** indicated that, as regards accession to all international conventions and protocols relating to counter-terrorism, including the International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Terrorist Bombings, an Inter-Ministerial Committee had submitted its recommendations to the Council of Ministers, which had agreed to the ratification of or accession to the majority of these agreements, namely: the Convention on the Physical Protection of Nuclear Material; the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; the International Convention against the Taking of Hostages; the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation; the Arab Convention on the Suppression of Terrorism; and the Convention of the Organization of the Islamic Conference on Combating International Terrorism.

15. Regarding the study of other conventions with which the above-mentioned Committee was entrusted, the Council of Ministers had decided that an appropriate study should be undertaken with a view to acceding to those conventions in the future.

16. Qatar also provided a table listing a series of bilateral agreements, either signed, ratified or under consideration, on the extradition of, and the exchange of information relating to, criminals.[3]

17. Furthermore, Qatar noted that the competent legislative authorities had prepared the draft penal code that is to replace the current Penal Code. The third chapter of the draft penal code contains provisions on terrorist crimes. That chapter also contains provisions on the definition and criminalization of terrorist acts, whether committed by individuals or by groups, and imposes various penalties according to the gravity of the act, with the maximum being life imprisonment or the death penalty (articles 138 to 140). The competent organ of the Government has completed the draft counter-terrorism code with the objective of having such a code separate from the Penal Code.

18. In addition, Qatar indicated that the new draft code of criminal procedure contains many provisions that are consistent with international standards in this connection, especially relating to the extradition of criminals. The Council of Ministers and the State Consultative Council have agreed to both this draft and to the draft penal code; they are both in the final stage, in which necessary legislative procedures are being completed.

19. **Sweden** indicated that in 2002 a new Act on Penalties for the Financing of Serious Crimes had entered into force. According to this Act it is punishable to collect, provide or receive money or other funds with the intention that they be used or in the knowledge that they are to be used in order to commit serious crimes that

in international conventions are classified as terrorism. Attempting to commit such crimes is also punishable. Banks and financial institutions are obliged — as they are in cases of suspected money-laundering — to observe and report to the police transactions that can be suspected to comprise funds that will be used to finance serious crimes.

20. In order to fulfil the obligations of the European Union framework decision on combating terrorism, a new Act on Criminal Responsibility for Terrorist Crimes entered into force on 1 July 2003. The new law contains a list of already criminalized acts that may under certain circumstances be regarded as terrorist crimes, such as murder, hijacking, sabotage and spreading poison or a contagious substance. It is required that the act might seriously damage a state or intergovernmental organization and that the intent of the act is to (1) seriously intimidate a population or a group of a population, (2) unduly compel a public agency or an international organization to perform or abstain from performing any act, or (3) seriously destroy the fundamental political, constitutional, economic or social structures of a state or intergovernmental organization. Attempting, preparing or conspiring to commit terrorist crimes or failure to disclose such crimes is also made punishable. Swedish courts will have so-called universal jurisdiction for terrorist crimes regardless of where the crime has been committed and regardless of who the perpetrator is.

B. Information received from international organizations

21. The **United Nations Educational, Scientific and Cultural Organization** reported that it had organized in Paris on 26 February 2003 an inter-agency consultative meeting on the theme "Promoting peace and security through education and science: elements for a United Nations strategy against terrorism".

Notes

[1] Information on the participation of States in multilateral agreements relating to the suppression of international terrorism is presented separately in section III.A of the main report (A/58/116). Additional information can be found in the reports that States have submitted to the Counter-Terrorism Committee of the Security Council. These reports can be found at www.un.org/Docs/sc/committees/1373.

[2] An English translation of the Identification (Financial Services) Act, the Decree on Designating Institutions and Services under the Identification (Financial Services) Act and the Disclosure of Unusual Transactions (Financial Services) Act is available for consultation in the Codification Division of the Office of Legal Affairs.

[3] The list is available for consultation in the Codification Division of the Office of Legal Affairs.